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HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 4731 of 2005

Petitioner		Radheshyam Sahu, S/o Firturam Sahu, aged about – 37 years, R/o Bemetra in front of state bank, Bemetra, District- Durg (C.G.)
	Versus	
Respondents	1.	State of Chhattisgarh, Through the Secretary Health Services, Manrralay, D.K.S. Building, Raipur (CG).
	2.	Director- Health Services, Govt. of Chhattisgarh, Raipur (C.G.)
	3.	Union of India, Through – Secretory, Ministry of Health and Family Welfare, New Delhi.
	4.	District leprosy officer, District Durg (C.G.)
	5.	Chief Medical and Health Officer, Durg, District-Durg (CG).
	6.	District Collector, Durg, District- Durg (CG).

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Yashwant Singh Thakur, Advocate for the petitioners.

Shri S. K. Beriwal, Standing Counsel for the respondent No.3.

Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents No. 1, 2 and 4, 5 and 6.

ORDER

(Passed on this 21st day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. By this petition under Article 226/227 of the Constitution of India the petitioner seeks to challenge the legality, validity and propriety of the order dated 26.7.2004 (Annexure P/2), whereby his services has been terminated, in view of the order dated 9.2.2004 issued by the Government of India, Directorate of Health Services, New Delhi, with immediate effect.

2. The petitioner was appointed on the post of Driver vide order dated 22.6.1990 (Annexure P/1) under the terms and conditions laid down in the said order. Thereafter, the petitioner continued to work on the

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same post till the impugned order dated 26.7.2004 (Annexure P/2) was passed.

3. Learned counsel appearing for the petitioner, as well as for the respondents submit that the facts and question of law involved in the present petition is similar to that in the Writ Petition No. 1794/2003 (Santosh Kumar Sahu Vs. State of Chhattisgarh & others) which was disposed of vide order dated 26.6.2003, wherein it has been directed that "if the petitioner makes a representation within a period of one month from today, concerned authority shall look into the matter and if the services of the petitioner can be absorbed then they can consider his case for absorption/appointment."

4. In view of the above, this petition stands disposed of with the direction that if the petitioner makes a representation to the concerned authority within a period of one month from today, it shall consider and decide the same on its own merits, in accordance with law, within a reasonable period. If it is permitted to absorb the petitioner, then he should consider his case for absorption/re-appointment in services. Consequently, M(W)P No. 3831/2005 stands disposed of.

[redacted]

Thakur

Sd/-
Satish K. Agnihotri
Judge